

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-3 and 34-42 are pending in this application. Claims 1 and 34 are amended. Support for the amendments to claims 1 and 34 are provided at Applicants' Specification, paragraphs [0034-0037] and [0046-0050]. No claims have been added or cancelled. Claims 1 and 34 are the independent claims.

Examiner Interview

Applicants thank the Examiner for granting the telephone interview conducted on January 23, 2008. Applicants have amended claims 1 and 34 in accordance with the Examiner's suggestion.

Rejection under 35 U.S.C. § 103

Claims 1, 3, 34-35, 37 and 41-42

Claims 1, 3, 34-35, 37 and 41-42 are rejected under 35 USC 103(a) as being unpatentable over Anvekar et al. (U.S. 6,684,072, hereinafter "Anvekar") in view of Freese et al. (U.S. 5,291,543, hereinafter "Freese"). Applicants traverse this rejection for the reasons stated below.

The Examiner acknowledges that Anvekar does not disclose "the service data node module storing using information, service information, and network information," as recited in claim 1. The Examiner asserts that Freese discloses this element. Applicants disagree.

Applicants note that example embodiments of the present application addresses the need to improve the processing of service configuration and negotiation so that services can be created and/or negotiated by the user without requiring separate excessive processing of each type of service to be created or negotiated. The example embodiments address this need by employing a processing node to dynamically store and allow access to user, service, and network information. Instead of having to obtain the user, service, and network information from various, independent, and/or unlinked sources within the network, each time a service creation or negotiation is performed, the example embodiments employ a service data node module to be dependent and/or linked together by “associating” user and/or service information with network information. Therefore, the amount of time required for making the determination and/or the required network processing of user, service and network information after the request can be reduced. See Applicants’ Specification, paragraphs [0034-0037] and [0046-0050].

Applicants have amended claim 1 to further clarify the above. Specifically, Applicants amended claim 1 to include “the service data node module storing user information, service information, and network information, wherein the service data module associates the user information and the service information with the network information.” Applicants submit that Freese does not disclose this element.

Freese discloses a metered billing service as including a customer interface module. The customer interface module presents a recorded voice announcement with instructions for interactively establishing further credit through the use of DTMF signals without the need for an operator. In other words, when a cellular set is assigned to the metered billing service, a credit limit is established. When the customer approaches this limit, or when the remaining credit balance for a cellular set reaches a defined lower limit, and the customer places a next call, the

call is diverted to a customer interface module, which provides a recorded voice announcement with instruction for interactively establishing further credit without the need for an operator. Therefore, the caller is able to establish further credit by an automated system, rather than an actual person. See Freese, column 9, lines 21-50.

Accordingly, it is apparent that Freese does not disclose a service data node module storing user information, service information, and network information, and associating user and service information with the network information as recited in amended claim 1. For example, the customer interface module of Freese does not store network information such as network signal interferences based on available bandwidth, available network resources required for services, or available network resources for a particular cell. Rather, the customer interface module allows users to re-establish credit through an automated system as opposed to an operator, but does not mention network information.

Therefore, Freese cannot disclose “the service data node module storing user information, service information, and network information, wherein the service data module associates the user information and the service information with the network information” as recited in amended claim 1. By the Examiner’s acknowledgment, Anvekar does not cure the deficiencies of Freese. Accordingly, Freese and Anvekar, either alone or in combination, cannot render claim 1 obvious to one of ordinary skill in the art. Claim 3, dependent on claim 1, is patentable for at least the same reasons stated above, as well as its own merit.

Claim 34 has been amended to include features similar to claim 1, and is patentable for at least the same reasons stated above, as well as its own merit. Claims 35, 37 and 41-42, dependent on amended claim 34, are patentable for the same reasons stated above, as well as

their own merits. The Applicants, therefore, respectfully request that the rejection to claims 1, 3, 34-35, 37 and 41-42 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2, 36 and 40

Claims 2, 36 and 40 are rejected under 35 USC 103(a) as being unpatentable over Anvekar in view of Freese, further in view of Bianconi et al. (US 2002/0119766, hereinafter “Bianconi”). Claim 2, dependent on amended claim 1, is patentable for at least for same reasons stated above, as well as the reasons detailed below.

The Examiner acknowledges that Anvekar and Freese does not disclose “a radius accounting server in operative communication with the dynamic billing information process, to correlate the determined actual use from the dynamic billing information processor” as recited in claim 2. The Examiner asserts that Bianconi discloses this element. Applicants disagree.

Applicants’ note that the radius accounting server receives information regarding service quality from the dynamic billing information processor as shown in Figure 2 of the present application. Service quality information can include quality levels, delay (low latency), and their transport and latency requirements, and provide the necessary information for a particular service. See Applicants Specification, paragraphs [0066] and [0071]. The fields in the radius accounting server are populated with application information, such as time used or counts during service usage. The results from the radius accounting server are then sent to the billing center to process the final billing cost. See Applicants Specification, paragraph [0073].

The Examiner cites Bianconi, page 4, paragraph [0033] as discloses the radius accounting server recited in claim 2. Bianconi discloses a method to impose variations in tariffs assigned to data transfer volumes based on the location of a mobile terminal. In other words, Bianconi

discloses location based billing of data services as a mobile terminal roams throughout the network. See Bianconi, paragraphs [0010-0011]. Specifically, a mobility call detail record (M-CDR) 300 is utilized within Bianconi's system. The M-CDR 300 typically includes subscriber information including the international mobile station equipment identify (IMEI) or other identifying information. The M-CDR 300 also stores a routing area identifier indicating the current routing area in which the MT 55 (mobile terminal) is located. See Bianconi, page 4, paragraph [0033]. Applicants submit that the mobility call detail record is not a "radius accounting server," which is in operative communication with the dynamic billing information process, to correlate the determined actual use from the dynamic billing information processor as reflected in claim 2. In other words, the radius accounting server determines actual use of information relating to quality of services. Rather, the mobility call detail record of Bianconi provides information relating to the specific mobile terminal, such as the IMEI number.

Claims 36 and 40, dependent on amended claim 34, are patentable for at least the same reasons stated above, as well as their own merits. Therefore, Bianconi, Anvekar, and Freese, either alone or in combination, cannot render claims 2, 36 and 40 obvious to one of ordinary skill in the art. The Applicants, therefore, respectfully request that the rejection to claims 2, 36 and 40 under 35 U.S.C. § 103(a) be withdrawn.

Claim 38

Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Anvekar in view of Freese, further in view of Lohtia et al. (hereinafter "Lohtia"). Claim 38, dependent on amended claim 34, is patentable for at least the same reasons stated above, as well as its own merit. Furthermore, Lohtia fails to cure the deficiencies of Anvekar and Freese. Therefore,

Lohtia, Anvekar, and Freese, either alone or in combination, cannot render claim 38 obvious to one of ordinary skill in the art. The Applicants, therefore, respectfully request that the rejection to claim 38 under 35 U.S.C. § 103(a) be withdrawn.

Claim 39

Claim 39 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Anvekar in view of Freese, further in view of Sarkki et al. (hereinafter "Sarkki"). Claim 39, dependent on amended claim 34, is patentable for at least the same reasons stated above, as well as its own merit. Furthermore, Sarkki fails to cure the deficiencies of Anvekar and Freese. Therefore, Sarkki, Anvekar, and Freese, either alone or in combination, cannot render claim 39 obvious to one of ordinary skill in the art. The Applicants, therefore, respectfully request that the rejection to claim 39 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned. .


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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